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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) GLN-031
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First named inventor: Jean-Marc Wiederrecht

Application No.: 10/528,995

Art Unit: 2841

Filed: November 24, 2003

Examiner: Jeannie M. Goodwin

Title: WATCH MOVEMENT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
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The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Notice of Non-Compliant Amendment (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Timing of the collection is as follows: comments on the amount of time you require to complete the form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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12/12/2006 RHO/DMF1 00000043-10528995

01-FC-1453

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/03).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(e) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Hugh R. Kress

Typed or printed name

36,574

Registration Number, if applicable

Browning Bushman P.C.

Address

713-288-5593

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5718 Westheimer, Suite 1800, Houston, Texas 77057

Address

Enclosures:

- Fee Payment
- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: Response to October 4, 2005 Office Action

/ EXPRESS

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

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Date

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Hugh R. Kress

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: § Serial No: 10/528,995
Jean-Marc Wiederecht; § Filed: September 19, 2003
Saskia Bouvier
For WATCH MOVEMENT § Group Art Unit: 2841
Atty Dkt: GLN-031/US § Examiner: Jeanne M. Goodwin
§ 571.272.2104
§
§

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Number:	EV 317505567 US Date of Deposit: 9-DEC-2006
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Signature:	Hugh R. Kress
Printed Name:	Hugh R. Kress

MAIL STOP PETITION
Commissioner for Patents
Alexandria, Virginia 22313-1450

**STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. § 1.137
TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Sir:

This paper accompanies a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) in connection with the above-identified application and an associated fee payment pursuant to 37 C.F.R. § 1.17(m). No other fees are believed to be due in connection with this submission. However, if any other fees are determined to be due in connection with any aspect of this application, the Commissioner, Assistant Commissioner, and/or the Director of the U.S. Patent & Trademark Office is/are authorized to charge Browning Bushman Deposit Account No. 02-4345, referencing matter GLN-031US.

In re Patent Application of Wiederrecht et al. S.N. 10/528,995
Statement Accompanying Petition Under 37 C.F.R. § 1.137
for Revival of Unintentionally Abandoned Application

Assignee hereby petitions for revival of the above-identified application, which was abandoned unintentionally. The facts are as follows:

- The undersigned attorney for Assignee has recently assumed responsibility of this application. Former counsel for Assignee have dissolved their practice, closed their office, and relocated to another state.
- An Office Action ("the Office Action") was issued on October 4, 2005 and was mailed to the former address of prior counsel for Assignee.
- As a consequence of the address to which the Office Action was mailed, there was some delay in receipt of the Office Action from prior counsel. Moreover, the Office Action was transmitted to the undersigned my means not customarily used for official U.S. Patent & Trademark Office mailings.
- Consequently, the Office Action was not subjected to the intake processes customarily applied to U.S. Patent & Trademark Office mailings by the undersigned and his firm. Thus, the due date for response to the Office Action was not properly taken note of as it would have been had it been received directly from the Patent Office.

In re Patent Application of Wiederrecht et al. S.N. 10/528,995
Statement Accompanying Petition Under 37 C.F.R. § 1.137
for Revival of Unintentionally Abandoned Application

- Through unintentional oversight, and without the reminders normally provided to the undersigned, a response to the Office Action was not timely submitted.

It is believed that the foregoing facts show that the abandonment of the application was wholly unintentional pursuant to 37 C.F.R. § 1.137(b)(3).

A Response to Office Action fully responsive to the Office Action is submitted concurrently herewith.

Revival of the application and entry of the Amended Response is respectfully requested.

Respectfully submitted,

Date: 9 - DEC 2006

ATTORNEY FOR ASSIGNEE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:
Jean-Marc Wiederrecht;
Saskia Bouvier

For WATCH MOVEMENT

Atty Dkt: GLN-031/US

Serial No: 10/528,995
Filed: September 19, 2003
Group Art Unit: 2841
Examiner: Jeanne M. Goodwin
571.272.2104

"EXPRESS MAIL" MAILING LABEL

Number: EV 317505567 US Date of Deposit: 9-DEC-2006

Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed; and (b) addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Signature Hugh R. Kress

Printed Name Hugh R. Kress

MAIL STOP PETITION
Commissioner for Patents
Alexandria, Virginia 22313-1450

**RESPONSE TO JUNE 28, 2006 NOTICE OF ABANDONMENT
AND
RESPONSE TO OCTOBER 4, 2005 OFFICE ACTION**

Sir:

This paper is submitted in response to a June 28, 2006 Notice of Abandonment of the above-referenced application, and further in response to an October 4, 2005 Office Action ("the Office Action") issued in connection with the subject application. This submission is accompanied by a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) in connection with the above-identified application and an associated fee payment pursuant to 37 C.F.R. § 1.17(m). No other fees are believed to be due in connection with this submission. However, if any other fees are determined to be due in connection with any aspect of this application, the Commissioner, Assistant Commissioner, and/or the Director of the U.S.

In re Patent Application of Wiederecht et al., S.N. 10/528,995
Response to June 28, 2006 Notice of Abandonment and
Response to October 4, 2005 Office Action

Patent & Trademark Office is/are authorized to charge Browning Bushman Deposit Account No. 02-4345, referencing matter GLN-031US.

Prior to further examination on the merits, please amend the application as set forth beginning on the following page.

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AMENDMENTS

1. (Currently Amended) A watch movement comprising an annular frame (10), of external diameter D, provided with a round central opening (48) defined by an internal diameter d and, borne by said frame:

- an energy source (16),
- a time base (18),
- a counting device (20) actuated in synchronization with the time base (18),
- a work train (26) actuated by said device (20),
- a motion work train (34), arranged to bear analog time display means (40, 44), and
- correcting means (46, 50, 56, 58) for the display means (40, 44),

characterized in that the motion work train (34) comprises a motion work mobile (36) containing a wheel (36a) and a pinion (36b), a cannon pinion (38) driven by the motion work pinion (36b) wheel (36a) and intended to bear a minute hand (40), and an hour wheel (42) driven by the motion work pinion (36b) and intended to bear an hour hand (44), in that the cannon pinion (38) and the hour wheel (42) are concentric to the frame (10) and have a central opening substantially equal to d, and in that the motion work wheel (36a) has a diameter slightly less than (D-d)/2 work train contains a first mobile (28) provided with a spindle (28c) on which the motion work mobile (36) is friction-mounted.

2. (Original) The movement as claimed in claim 1, characterized in that the work train contains a first mobile (28) provided with a spindle (28c) on which the motion work mobile (36) is friction-mounted.
3. (Previously Presented) The movement as claimed in claim 1, characterized in that the correcting means (46, 50, 56, 58) for the display means comprise at least one gear (58) mating directly with said cannon pinion (38).
4. (Previously Presented) The movement as claimed in claim 1, characterized in that the mobiles of the work train (26) have their rotation axes substantially disposed on a circle (C) of diameter equal to $(D+d)/2$.
5. (Original) The movement as claimed in claim 4, characterized in that the energy source is mechanical, formed by a barrel (16), the time base is a balance (18), the counting device is an escapement (20), the barrel (16) and the balance (20) pivoting on axes substantially disposed on said circle (C).
6. (Previously Presented) The movement as claimed in claim 1, characterized in that it additionally comprises date-display means (72), disposed on the side opposite the dial, comprising two display disks, one for tens (74), the other for units (76), the date appearing in said opening (48).

7. (Previously Presented) The movement as claimed in claim 1, characterized in that the cannon pinion (38) and the hour wheel (42) each comprises a tubular portion (38a, 42a), engaged one within the other, the tubular portion (38a) of the cannon pinion being positioned in the central opening (48) such as to be able to rotate freely therein.
8. (Original) The movement as claimed in claim 7, characterized in that the motion work mobile (36) and the toothings of the cannon pinion (38) and of the hour wheel (42) are disposed on the bottom side of the frame, the tubular portion (38a) of the cannon pinion is defined by an internal diameter and by an external diameter, its external diameter being slightly less than d , so allowing it to rotate freely in said opening (48), and in that the tubular portion (42a) of the hour wheel is defined by an external diameter slightly less than the internal diameter of the tubular portion (38a) of the cannon pinion, such that the hour wheel (42) can rotate freely therein.
9. (Original) The movement as claimed in claim 8, characterized in that the tubular portion (42a) of the hour wheel serves as accommodation for an object.
10. (Original) The movement as claimed in claim 7, characterized in that the motion work mobile (36) and the toothings of the cannon pinion (38) and of the hour wheel (42) are disposed on the dial side of the frame (10), the tubular

portion (38a) of the cannon pinion is defined by its external diameter, a first part of which is engaged in said opening (48), the external diameter being slightly less than d, so allowing it to rotate freely therein, and a second part of which, disposed outside the opening, is intended to bear the minute hand (40) and has the hour wheel (42) engaged on it.

11.(Original) The movement as claimed in claim 10, characterized in that the tubular portion (42a) of the hour wheel serves as accommodation for an object.

12.(Previously Presented) The movement as claimed in claim 9, characterized in that said object is chosen from amongst a lens (70), a precious stone (66) and a compass (64).

13.(Previously Presented) The movement as claimed in claim 2, characterized in that the correcting means (46, 50, 56, 58) for the display means comprise at least one gear (58) mating directly with said cannon pinion (38).

14.(Previously Presented) The movement as claimed in claim 2, characterized in that the mobiles of the work train (26) have their rotation axes substantially disposed on a circle (C) of diameter equal to $(D+d)/2$.

15.(Previously Presented) The movement as claimed in claim 3, characterized in that the mobiles of the work train (26) have their rotation axes substantially disposed on a circle (C) of diameter equal to $(D+d)/2$.

16.(Previously Presented) The movement as claimed in claim 2, characterized in that it additionally comprises date-display means (72), disposed on the side opposite the dial, comprising two display disks, one for tens (74), the other for units (76), the date appearing in said opening (48).

17.(Previously Presented) The movement as claimed in claim 3, characterized in that it additionally comprises date-display means (72), disposed on the side opposite the dial, comprising two display disks, one for tens (74), the other for units (76), the date appearing in said opening (48).

18.(Previously Presented) The movement as claimed in claim 4, characterized in that it additionally comprises date-display means (72), disposed on the side opposite the dial, comprising two display disks, one for tens (74), the other for units (76), the date appearing in said opening (48).

19.(Previously Presented) The movement as claimed in claim 5, characterized in that it additionally comprises date-display means (72), disposed on the side

opposite the dial, comprising two display disks, one for tens (74), the other for units (76), the date appearing in said opening (48).

20.(Previously Presented) The movement as claimed in claim 2, characterized in that the cannon pinion (38) and the hour wheel (42) each comprises a tubular portion (38a, 42a), engaged one within the other, the tubular portion (38a) of the cannon pinion being positioned in the central opening (48) such as to be able to rotate freely therein.

21.(Previously Presented) The movement as claimed in claim 3, characterized in that the cannon pinion (38) and the hour wheel (42) each comprises a tubular portion (38a, 42a), engaged one within the other, the tubular portion (38a) of the cannon pinion being positioned in the central opening (48) such as to be able to rotate freely therein.

22.(Previously Presented) The movement as claimed in claim 4, characterized in that the cannon pinion (38) and the hour wheel (42) each comprises a tubular portion (38a, 42a), engaged one within the other, the tubular portion (38a) of the cannon pinion being positioned in the central opening (48) such as to be able to rotate freely therein.

23.(Previously Presented) The movement as claimed in claim 5, characterized in that the cannon pinion (38) and the hour wheel (42) each comprises a tubular portion (38a, 42a), engaged one within the other, the tubular portion (38a) of the cannon pinion being positioned in the central opening (48) such as to be able to rotate freely therein.

24.(Previously Presented) The movement as claimed in claim 6, characterized in that the cannon pinion (38) and the hour wheel (42) each comprises a tubular portion (38a, 42a), engaged one within the other, the tubular portion (38a) of the cannon pinion being positioned in the central opening (48) such as to be able to rotate freely therein.

25.(Previously Presented) The movement as claimed in claim 11, characterized in that said object is chosen from amongst a lens (70), a precious stone (66) and a compass (64).

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REMARKS

1. *Status of the Application.* Claims 1-25 are pending in the application. In the Office Action, claims 1-5 and 13-15 were rejected under 35 U.S.C. § 103, while claims 6-12 and 16-25 were merely objected to as being dependent upon rejected base claim(s) and deemed otherwise allowable if amended to include all of the limitation sof the base claim and any intervening claims.

Claim 1 is amended herein. No new matter is added by way of this amendment.

2. *The Section 103 Rejections.* Claims 1-5 and 13-15 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,473,304 to Ketner ("Ketner") in view of U.S. Patent No. 3,029,592 to Bandi ("Bandi").

Firstly, it is to be noted that claim 1 as amended herein essentially takes up the content of claims 1 and 2 prior to amendment and specifies that the work train comprises a first mobile provided with a pin on which the motion work mobile is friction-mounted.

It is to be noted, first of all, that in the movements of a traditional-type mechanical watch, the hour and minute display is realized by a so-called motion work system, as would be apparent to anyone of ordinary skill in the art.

On the other hand, in accordance with the present invention, the motion work consists of a cannon pinion carrying the minute-hand. The cannon pinion is driven by the work train, level with the center wheel with which it is coaxial and connected by

friction. The cannon pinion drives a motion work, bearing a motion work pinion which cooperates with an hour wheel, coaxial with the cannon pinion, bearing the hour-hand.

Ketner discloses few elements concerning the practical realization of a watch movement comprising an opening in its center. Only the embodiment illustrated in figure 5 of *Ketner* reveals that the display means are driven by means of long gear trains disposed in the annular part of the frame and at least partially in the horns of the watch case. These gear trains replace the motion work system as set out above.

Such gear trains are disadvantageous from the point of view of the energy efficiency of the movement, but are necessary, in electromechanical or mechanical versions of this type of movement of the prior art, to allow for variations in ratio of the diameters of the mobiles carrying the minute- and hour-hands.

The subject of claim 1, on the other hand, is therefore patentably distinct from the teachings of *Ketner*, inasmuch as *Ketner* neither discloses nor suggests the fact that the motion work mobile is coaxial with the first wheel.

Although *Bandi* apparently discloses certain parts of a mechanical watch movement which are absent from *Ketner*, *Bandi*, just like *Ketner*, does not comprise a motion work system such as disclosed and claimed in the present application. Indeed, the demultiplication between the train driving the hour-hand and that driving the minute-hand is realized by a differential, the latter being connected to the work train through its second entrance by means of friction. Thus, the person skilled in the art would have no motivation to make the proposed hypothetical combination of *Ketner* and *Bandi*. Even if

such hypothetica combination were made, this would not achieve the structure and associated benefits of the invention as disclosed and claimed in the present application.

Moreover, even with the aid of technical knowledge, a person skilled in the art could not directly apply the principle of a traditional-type motion work to the teaching of *Ketner*, for not only is *Ketner* silent as to the manner in which a mechanical watch movement is arranged, but, more importantly, a person skilled in the art cannot arrange the cannon pinion coaxially with the great wheel (also referred to as the center wheel when it is situated in the center of the movement), since such a construction would not allow a display to be obtained which revolves around a central opening.

On the other hand, it is precisely due to the structure disclosed and claimed in the present application that the center of the watch, normally occupied by the hands-drive and by the center wheel directly driving the cannon pinion, finds itself unoccupied. Moreover, this construction allows the hour wheel and the cannon pinion to be driven by means of a motion work system similar to those in existence, thus allowing the pattern of growth in the size of the central opening in the frame to be easily broken.

In view of the clear distinctions between the present invention and the prior art, including both *Ketner* and *Bandi*, as well as the proposed hypothetical combination thereof, it is respectfully submitted that the rejection under § 103 finds no support and cannot stand. Reconsideration and withdrawal of the § 103 rejection is therefore respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Assignee respectfully submits that each of the claims now pending in the application is allowable, and that the application as a whole is in proper form and condition for allowance. If the Examiner believes that the application can be placed in even better condition for allowance, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 9-DEC-2006

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